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**Abstract:** This article presents an argument in support of the Pledge of Allegiance being recited in public institutions and schools. Congress added the words "under God" to the Pledge of Allegiance in the 1950s at the height of the Cold War, as an anti-Communist statement. The founding fathers knew faith in a higher power would be essential to the maintenance of a free republic. Without recognizing that freedom originates from God, the United States could one day find itself destroyed by relying too heavily on public opinion. The real problem is that too many court decisions regarding the display of religion in public have shown hostility toward the institution. Fortunately, as Americans deal with the reality of the war on terrorism, they are beginning to understand the healing power of faith. As they do, they will doubtless become more tolerant of the presence of religious symbols on public grounds and, perhaps, even in schools.

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### **Counterpoint: One Nation Under God**

**Thesis:** Too many court decisions regarding the display of religion in public have shown hostility toward the institution.

**Summary:** Congress added the words "under God" to the Pledge of Allegiance in the 1950s at the height of the Cold War, as an anti-communist statement. Without recognizing that freedom originates from God, the United States could one day find itself destroyed by relying too heavily on public opinion. The real problem is that too many court decisions regarding the display of religion in public have shown hostility toward the institution. Fortunately, as Americans deal with the reality of the war on terrorism, they are beginning to understand the healing power of faith. As they do, they will doubtless become more tolerant of the presence of religious symbols on public grounds and, perhaps, even in schools.

#### **Introduction**

The Ninth Circuit Court of Appeals is among the most predictable groups of jurists in the United States. When looking at a key issue, just consider what should be done, and the San Francisco-based court will likely disappoint.

A three-judge panel did just that in June 2002 by declaring the Pledge of Allegiance unconstitutional. The pledge couldn't be recited in school, the judges said, because it represents a state endorsement of religion.

The decision enraged Americans of all political persuasions, and prompted Congress to overwhelmingly reject the notion that the Pledge violates the First Amendment. Congress added the words "under God" to the Pledge of Allegiance in the 1950s at the height of the Cold War, as an anti-Communist

statement. It now reads: "I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands, one nation under God, indivisible with liberty and justice for all."

### **Relying on a Higher Power**

Indeed, the Ninth Circuit's decision galvanized patriotic Americans as they rallied in support of the war on terrorism. The timing couldn't have been worse for supporters of the ruling, including Dr. Michael Newdow, who filed the original lawsuit. The United States was just months removed from the worst terrorist attacks in its history. Without the lingering shock of the September 2001 terrorist attacks, it is unlikely the rage of many Americans would have been so palpable. The decision only affected nine western states under the jurisdiction of the Ninth Circuit, and the court quickly suspended its ruling amid criticism from observers across the country.

Newdow, an atheist, began the fight when he sued his daughter's Sacramento school district, claiming the Pledge violates the establishment clause of the First Amendment by promoting a state religion. He claimed his daughter was harmed by the requirement that she recite the words "under God." After the court's decision, it was widely reported that the girl's mother revealed that her daughter is a Christian. Consequently, the case proved to be a forum for Newdow to bash religion and the Pledge.

The court's decision caused outrage and bewilderment. Many people understand that the "under God" clause in the pledge acknowledges the nation's reliance on a higher power, and does not promote a state religion.

### **Church and State**

The Founding Fathers knew faith in a higher power would be essential to the maintenance of a free republic. Without recognizing that freedom originates from God, the United States could one day find itself destroyed by relying too heavily on public opinion. The Establishment Clause of the Constitution properly prohibits the adoption by Congress of a national religion. This means Christianity, Judaism, and any other organized faith cannot be codified in law as the chosen faith of the nation. It does not prohibit mention of God, the cornerstone of America's foundation, on public grounds, in songs performed in schools or in the Pledge of Allegiance.

The concept of separation of church and state originated with Thomas Jefferson's 1802 letter to the Danbury Baptists. In the letter, he guaranteed that the group would not be forced to adhere to the tenets of a state-recognized religion. Clearly, in Jefferson's time, the threat was coming from the state, not the faithful. This fact is too often overlooked by the political left when arguing against references to faith in the public square.

Since the Ninth Circuit Court's ruling, states have begun passing laws requiring students to recite the Pledge. The Texas legislature recently passed a law requiring students in the Lone Star State to pledge allegiance to both the U.S. and Texas flags. Lawmakers have demonstrated their belief that the Pledge is valuable in developing students' respect for their country.

### **Erosion of Common Sense**

The fight against the Pledge of Allegiance is certain to continue into the foreseeable future. In Colorado, the American Civil Liberties Union (ACLU) protested a law requiring students and teachers to make the Pledge part of their day. The ACLU filed suit in August 2003, maintaining that the state should not force students or teachers to support the principles articulated in the Pledge, and that such statements should be voluntary. By advancing this argument, the ACLU opened a new front in the war to protect the Pledge from those attempting to rid the public sphere of all references to religion.

While there was no reference to religion in this case, it illustrates the erosion of common sense perhaps best explained by America's continual fall from a reliance on God. Clearly, free will and a thriving republic are inseparable, but the classroom is not a democracy. While students' constitutional rights must be respected, teachers, administrators and lawmakers decide what material best prepares children to be active participants in society. In myriad schools across the country, the Pledge is used to develop an appreciation of the right and responsibilities Americans enjoy.

### **Un-American Objections**

For the ACLU to object to the Pledge for its mention of liberty and justice is simply un-American. It is not, however, beyond the realm of comprehension.

As long as the ACLU litigates such weak cases, its stature in the battle over religious liberty will deteriorate. If there are no better arguments against the Pledge than that it forces students to do something against their will, its defenders have nothing to worry about.

The real problem is that too many court decisions regarding the display of religion in public have shown hostility toward the institution. Fortunately, as Americans deal with the reality of the war on terrorism, they are beginning to understand the healing power of faith. As they do, they will doubtless become more tolerant of the presence of religious symbols on public grounds and, perhaps, even in schools. Then, for the first time in decades, Americans will be prepared to engage in a reasonable and fair debate over the exact meaning of the Establishment Clause. For now, the debate remains unfairly tilted toward the left.

### Ponder This

1. What is the author's main argument about the Ninth Circuit Court of Appeals' ruling on the Pledge of Allegiance?
2. Is the reason for including "under God" in the Pledge still relevant today? Why or why not?
3. Discuss whether or not it was appropriate for the Ninth Circuit Court to suspend its ruling due to public reaction.
4. In your opinion, would the Founding Fathers have approved of including "under God" in the Pledge? Explain.
5. What is the author's most convincing argument against banning the Pledge in schools?

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By Brian Wilson

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